

ENTERED ON DOCKET
JUL 12 2006

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	§	
GUY O. BATTLE,	§	CASE NO. 04-73190
BATTLE BUILDERS, INC. 58-2509129	§	CASE NO. 04-73252
BATTLE ENTERPRISES, LLC 58-2371867	§	CASE NO. 04-73293
BATTLE PAINTING, INC. 58-1759821	§	CASE NO. 04-73793
BATTLE DRYWALL, INC. 58-2377037	§	CASE NO. 04-73825
	§	CHAPTER 7
	§	JOINTLY ADMINISTERED
Debtors.	§	JUDGE MASSEY

**ORDER DIRECTING SUBSTANTIVE
CONSOLIDATION OF THE ESTATES OF THE DEBTORS**

Pursuant to 11 U.S.C. § 302(b) and to Fed. R. Bank. P. 1015(b), S. Gregory Hays, the Chapter 7 Trustee (the “Chapter 7 Trustee”) for the bankruptcy estates of the above Debtors, *Guy O. Battle, Battle Builders, Inc., Battle Enterprises, LLC, Battle Painting, Inc. Battle Drywall, Inc.* (collectively, Guy O. Battle, Battle Builders, Inc., Battle Enterprises, LLC, Battle Painting, Inc. and Battle Drywall, Inc. are referred to herein as the “Chapter 7 Debtors”), filed with this Court on May 24, 2006, his Motion for Substantive Consolidation of the Estates of the Debtors (the “Motion”) in the above-captioned, administratively consolidated Chapter 7 Proceedings (the “Bankruptcy Cases”). No creditor or party in interest having filed an objection or having appeared at the hearing in opposition to the relief sought in the Motion and upon consideration of the

pleadings and the proffer of evidence by Counsel for the Trustee after Notice to creditors and parties in interest, and a hearing on the Motion, the Court finds that: (1) there is substantial identity between the entities to be consolidated; (2) that sufficient grounds and factual basis exist for the substantive consolidation of the Estates of the Debtors; (3) consolidation is necessary to avoid the costs and dissipation of resources that would be required to separate all assets and liabilities of the Debtors; and (4) consolidation will enable the Trustee and the Estates to realize benefit and reduce the costs and expenses of liquidation of the assets of the Estates of the Debtors. Thus, the Court finds that these and other factors set out by the Eleventh Circuit Court of Appeals in Eastgroup Properties v. Southern Motel Assoc., Ltd., 935 F.2d 245, 249 (11th Cir. 1991) have been met.

Therefore, the Motion of the Trustee is hereby **GRANTED**, and it is hereby

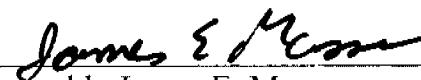
ORDERED AND ADJUDGED that, pursuant to 11 U.S.C. § 302(b) and Fed. R. Bankr. P. 1015(b), the above captioned Administratively Consolidated Chapter 7 Proceedings shall be substantively consolidated, with reservation of the avoidance and objection powers of the Trustee as set forth in the Motion, and the Bankruptcy Cases shall be treated as one case for all purposes, including, but not limited to: (1) the resolution of claims; (2) distributions to creditors; and (3) distribution to the creditors of the substantively consolidated Estates of the Debtors, and it is hereby

FURTHER ORDERED AND ADJUDGED that, pursuant to the Order to substantively consolidate the Bankruptcy Cases as entered herein, for purposes of administering assets and distribution among creditors filing claims, among other

consequences, the following shall occur: (1) all assets and liabilities of the Debtors are deemed merged; (2) any and all cross guarantees and indemnity and contribution rights among the Debtors are deemed eliminated; (3) any claim against any Debtor and any guarantee thereof executed by any other Debtor and any joint or several liability of any of the Debtors are deemed to be one obligation of the consolidated Debtors; (4) each and every claim filed in the separate Bankruptcy Cases of the Debtors is deemed filed against the consolidated Debtors and is deemed one claim against and a single obligation of the substantively consolidated Debtors and (5) any and all inter-company claims from any one debtor to the other are denied any affect as between or among the consolidated debtors . All filings and pleadings as to any of the above affiliated Debtor's shall continue to be made in the bankruptcy case of *Guy O. Battle*, Case no. 04-73190-JEM.

A copy of this Order shall be served by Trustee's Counsel upon those on the attached service list.

At Atlanta, Georgia, this 16 day of July, 2006.


Honorable James E. Massey
United States Bankruptcy Judge

Presented by:

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